REMARKS

This amendment is in response to the Official Action dated December 17, 2008. Claims 1 and 11 have been amended; as such claims 1-3, 5-7, 9-12, and 15-17 are now pending in this application. Claims 1 and 11 are independent claims. Reconsideration and allowance is requested in view of the claim amendments and the following remarks.

No new matter has been added by this Amendment. Support for the amended claims can be found in the specification as filed (See PG Pub. 2002/0026444, ¶92-94).

Rejections under 35 U.S.C. § 103

Claims 1-7, 9-12, and 15-17 have been rejected under 35 U.S.C. § 103 as being obvious over U.S. Patent No. 6,009,412 to Storey ("Storey"), in view of U.S. Patent No. 6,105,008 to Davis et al. ("Davis"), U.S. Patent No. 5,992,738 to Matsumoto et al. ("Matsumoto"), and U.S. Patent No. 6,415,261 to Cybul et al. ("Cybul").

Storey discloses an online award-point issuing system that accepts and processes user purchases and awards points immediately in response to user purchases. The system also includes a credit card processing component and a mechanism for sending the orders to a fulfillment center. The unique feature cited in the specification is the system's ability to immediately award points without users having to wait for their purchases to be fully processed before receiving award-points for their purchases, and for merchandisers to easily enter and leave the awards program (col. 2, ll. 21-32).

Davis discloses a smart card driven consumer transaction processing system. The system accepts the information read from a smart card to process a purchase by a user. The card acts as a credit card to process the transaction. The user begins by selecting products from a merchant website then selects to pay by smart card at the checkout window. The client terminal component then reads the user's smart card and sends the information to a bank payment server or a merchant server which processes the transaction by debiting the user's account. (Figs. 7-10).

Matsumoto discloses an IC card capable of storing balances and information relating to multiple accounts. For example, the card can store electronic money information and award point data. The system also allows for different types of security measures to be placed on the different accounts. Fig. 2 illustrates the storage of multiple point values associated with different shops and dates stored in a card's memory.

Cybul discloses a transaction system that allows for managing both internet based transactions and in-store transactions via a unified transaction server. In the background, Cybul discloses that the key improvement in Cybul is the unification of the virtual and Point of Sale transactions which allows for combined management of sales and inventory using a single transaction server. The system includes a single loyalty database, single purchase history database, and single authentication database for storing costumer information.

As amended, claim 1 recites:

A communication system comprising:

a first management apparatus for managing and settling a first transaction and generating a first privilege information generated in accordance with the first transaction, the first transaction being a virtual transaction, the virtual transaction being a transaction conducted between the first management apparatus and a user terminal, located at a remote location, without a point-of-sale terminal via a network using a user identifier that identifies the user in such a manner that the first privilege information and the user identifier are correlated with each other,

wherein the user identifier is stored in an IC card and uniquely associates the user to the IC card, and the first transaction is made using the IC card in conjunction with the user terminal; and

a second management apparatus for managing and settling a second transaction and generating a second privilege information that is generated in accordance with the second transaction, the second transaction being a real world transaction, the real world transaction being a transaction conducted between the second management apparatus and the user via a point-of-sale terminal, and using the user identifier in such a manner that the second privilege information and the user identifier are correlated with each other,

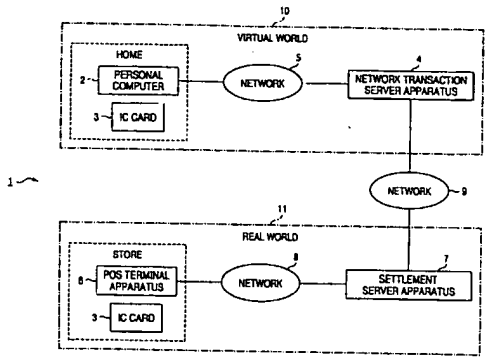
wherein the second transaction includes a settlement processing based on the user identifier and a price, and is also made using the IC card in conjunction with the point-of-sale terminal, and

wherein the second management apparatus converts the first privilege information that is managed by the first management apparatus into privilege information managed by the second management apparatus according to a prescribed conversion factor, and manages the privilege information obtained by the result of the conversion, such that the first privilege information is automatically converted to the second privilege information and added to a total of the second privilege information for the user in response to a request from the user terminal to the second management apparatus to convert the first privilege information to the second privilege information.

With respect to claim 1, Applicant submits that the combination of Storey, Davis, Matsumoto, and Cybul fails teach or suggest "*a first management apparatus for managing and settling a first transaction and generating a first privilege information generated in accordance with the first transaction, the first transaction being a virtual transaction [and] a second management apparatus for managing and settling a second transaction and generating a second privilege information that is generated in accordance with the second transaction, the second transaction being a real world transaction.*"

By example, Fig. 1 of the present application illustrates an example embodiment having a settlement server and a transaction server that each produce separate privilege information. The specification clearly illustrates this separation by highlighting that conversion and combining first privilege information with the second privilege information requires a conversion step S45, employing a conversion factor.

FIG. 1



While Storey discloses an online award points issuing system that accepts and processes user purchases and issues awards points immediately in response to the user purchase, the system does not manage and settle real and virtual transactions separately and generate different privilege information in accordance with each type of transaction.

By comparison claim 1 recites "*a first management apparatus for ... generating a first privilege information ... [and] a second management apparatus for ... generating a second privilege information,*" showing two different privilege information sets.

Davis discloses a smart card driven consumer transaction processing system. Davis's system accepts information read from a smart card to process a purchase by a user. However, Davis similarly fails to disclose managing and settling real and virtual transactions separately and generating different privilege information in accordance with each type of transaction.

Matsumoto discloses an IC card capable of storing balances and information relating to multiple accounts. However, Matsumoto does not recognize the use of two apparatuses to perform the virtual transactions and real transactions or generate different privileged information for each type of transaction.

Finally, Cybul discloses a transaction system that allows for managing both internet based transactions and in-store transactions. However, Cybul clearly uses a single settlement server for both virtual and real world transactions. More important, the use of a single server is the very key point of the Cybul disclosure, and implementing a contrary system would run contrary to the intended purpose of Cybul. Furthermore, where modification would run contrary to the purpose of the invention, there is no motivation for the change or combination (See MPEP § 2143.01).

Furthermore, Applicant submits that the combination of Storey, Davis, Matsumoto, and Cybul fails teach or suggest "*wherein the second management apparatus converts the first privilege information that is managed by the first management apparatus into privilege information managed by the second management apparatus according to a prescribed conversion factor, and manages the privilege information obtained by the result of the conversion, such that the first privilege information is converted to the second privilege information and added to a total of the second privilege information for the user in response to a request from the user terminal to the second management apparatus to convert the first privilege information to the second privilege information.*"

First, neither Storey, Davis, Matsumoto, nor Cybul teach or suggest "*convert[ing] the first privilege information that is managed by the first management apparatus into privilege information managed by the second management apparatus according to a prescribed conversion factor.*"

The Office Action cites to Cybul as the basis for rejecting the conversion of data using a conversion factor. However, the Office Action incorrectly argues that simply copying data is equivalent to "converting" data via a conversion factor of 1. The copying of data from one source to another without alteration is clearly not converting data, as there is no change to the data. Copying fails to imply any change in the data.

Second, neither Storey, Davis, Matsumoto, nor Cybul teach or suggest "*convert[ing] the first privilege information that is managed by the first management apparatus into privilege information managed by the second management apparatus ...in response to a request from the user terminal to the second management apparatus to convert the first privilege information to the second privilege information.*"

Even if the references did disclose the use of two separate apparatuses for managing real and virtual privilege information, none of the references disclose also converting the first privilege information *in response to a user request.*

The Office Action cites to Cybul as the basis for rejecting the conversion of data using a conversion factor, which is done as part of the transaction. However, this is clearly different from the current claim, which recites that the conversion is performed *in response to a request from the user terminal to the second management apparatus to convert the first privilege information to the second privilege information.*

No where do any of the references disclose merging two different types of privilege information based on a user request. On the contrary, none of the references disclose the storage of the different privilege information based on the use and distinction between virtual transaction servers and real settlement servers.

Since, whether taken alone or in any combination, the references fail to disclose features recited in independent clam 1, a *prima facie* case of obviousness for that claim has not been established.

For reasons similar to those provided regarding claim 1, independent claim 11 is also neither disclosed nor suggested by the relied upon references. The dependent claims are also distinct from the relied upon references, for their incorporation of the features recited in the respective independent claims, as well as the patentably distinct features separately recited therein.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) as being unpatentable over Storey, Davis, Matsumoto, and Cybul.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-2200 from which the undersigned is authorized to draw.

Dated: February 6, 2009

Respectfully submitted,

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